

Some Tribal Origins, Laws, and Customs of the Balkans

- 562 a daughter and no son she has the right to remain a hundred days
 592 in the house. Then if the heirs order her to leave she must go, but her
 [583] daughter remains as part of the heir's household, and he has the right
 to choose her husband and dispose of her. In practice the widow may
 587 remain in the house as "levirate wife" of one of her brothers-in-law,
 and very commonly does so among the Dukagini. In Maltsia e Madhe
 the practice is obsolete.
- 589 If the widow has had a son who has predeceased his father, she
 562 has more consideration. If the house is a small one, she may live in it
 if capable of carrying on. If a large one, she may live as a member of
 the heir's household so long as she is unmarried. If she elects to return
 [593] to her father, the heir, or heirs, must supply her regularly with wool
 for spinning, bread, cheese, and other necessities so long as she remains
 unmarried.
- 421 A married daughter has no right to anything whatever of her father's
 property; she no longer belongs to his "house."

TRIBAL BUSINESS

- 623 Business relating to the whole tribe requires a very large council.
 In a large tribe the council may be about a hundred. It includes the
 heads of houses, the heads of mehalas, the bariaktar, and twelve
 specially chosen elders famed for their intelligence. Such a council,
 for example, was needed to decide if each tribe would accept the
 Turkish Constitution in 1908; to decide if a tribe would revolt or aid
 another that has revolted; what side it would take in war, and so forth.
 Smaller councils dealt with pasture lands; how many beasts each house
 might pasture upon the common lands; the date at which pasturing
 might begin.
- 421 The rights of wood-cutting, too, were thus regulated. Certain groups
 311 had rights in certain woods. Unluckily no one ever thought of replant-
 ing. Great harm has been done by deciding to burn a forest in the
 [134] hope of obtaining pasture land; only too often the result being that
 the winter rain carried away the soil and left bare rock. The water
 312 supply is also controlled by council, especially in those districts where
 an ingenious system of channels carries water great distances and
 takes it across valleys on rude aqueducts made of hollowed tree-stems.
- 689 In time of scarcity the number of hours per week in which a man may
 turn the water into his fields is jealously regulated. Purposely defiling
 wells and springs was punishable.
- 671 Not only all the above laws are ascribed to Lek, but many rules
 intended to keep the peace. For example, that men marching abreast
 must keep the length of a gun-barrel apart, lest in turning hastily it

PEAKS OF SHALA

○○○ we said little. The sheets of rain blurred our sight, and the sound of it dulled our hearing. But when we began cautiously to climb the slippery trail that edged up the mountain side, exercise had begun to warm us, and we escaped from the silence which is to human beings a more unfamiliar element than water.

421 "How can he⁴ be the richest man in the Five Tribes? I thought these people were communistic," said Alex.

361 "The tribes own only lands and houses and most of the forests," said Perolli. "A man or a family can own flocks, or buy and sell when they go down to the cities. Sadiri Luka's the richest man because he went down to Ipek. He was a merchant there, and everyone is rich in Ipek. How I wish I might show you that valley, my own valley—it is more beautiful than you can imagine. There are such rich fields—the cows stand knee deep there in greenness like a carpet—and the best fruits of all the Balkans grow there. And butter, and honey, and fine flour, and quantities of the finest wool that makes the beautiful rugs of my people—there is everything in Ipek that you could wish to have, and both hands running over. I mean," he added, grimly, "there *was*. Yes, Ipek was a rich and happy place before the Serbs came. And if Sadiri Luka——" He broke off, on such a savage note that we were startled.

"You see," he resumed with a note of eagerness, stopping to point with his staff, "just over

⁴[Sadiri Luka of upper

[106] Thetis -- Analyst]

[Constitution]

- 642 All activities of the administrative organs of the state and courts must be based on law.

TITLE II

Social and Economic Measures

ARTICLE 5

- 471 In the People's Republic of Albania the means of production comprises all the wealth of the people owned by the state, the cooperative organizations of the people, and private individuals whether real or legal entities.

The wealth of the people includes mines and all other sub-surface resources, as well as waterways, natural wealth, forests, pasture land, airways, postal service, telegraph, telephone, radio stations, and banks.

- [439] Foreign trade is under the control of the state.

ARTICLE 6

- 185 In order to protect the vital interests of the people and to improve the standard of living and in order to exploit all the economical forces the state undertakes to direct the economic life and development by an overall planned economy. The state, by controlling its economy and the cooperatives, exercises a general control over private economy as well.

- [575] The state, in order to carry out the general economic plan, relies on the trade unions of the working men and civil servants, the cooperatives of the peasants, and other organizations of the laboring masses.

ARTICLE 7

- 471 The state regulates and directs by law the use of the collective wealth of the people. The collective wealth of the people is especially favored by the state.

ARTICLE 8

- 474 The state is especially interested in the cooperative movement of the people which it favors and assists.

ARTICLE 9

- 421 Private property and private initiative are guaranteed by the state. Private inheritance is guaranteed. Nobody may use private property to the detriment of the public.
- [428]

[Constitution]

Private property may be limited, and when the general welfare of the community calls for it, it may be expropriated by a law, which shall provide in each case what the amount of compensation shall be to the owner. 421 425

Likewise other branches of economy or enterprises may also be nationalized whenever the interest of the people demands or requires it. 471

Monopolies, trusts, cartels, etc., created for the purpose of imposing prices and monopolizing markets to the detriment of national economy, are prohibited.

ARTICLE 10

The land belongs to those who till it. The conditions under which an institution or a person can own land which they do not cultivate shall be established by law. 423

Large estates may under no circumstances be owned by private individuals.

The maximum amount of land that may be owned individually is determined by law.

The state especially favors and protects the small and middle peasants by its economic policy, by means of credit, and by its taxation system. 652

ARTICLE 11

The state, by means of economic and other measures, encourages the working classes to unite and organize themselves against economic exploitation. 466

The state protects the workers by guaranteeing them the right to organize, by limiting their hours of work, and by establishing minimum wages. The state supports the workers by means of social security laws and vacations with pay at the expense of the employers.

The state especially protects minors by regulating their employment. 464

TITLE III

Rights and Duties of Citizens

ARTICLE 12

All citizens are equal before the law. They must obey the Constitution and all laws of the land. 641

CHAPTER IV

THE ALBANIAN HOUSEHOLD

Society in the Albanian mountains was patrilineal, and took so little account of women that whereas the names of ancestors in the male line might be known for as many as twenty generations, those in the female line were forgotten after two or three. In the words of the Unwritten Law 'a man has blood, and a woman kin', i.e. a man has a pedigree, and a woman her own relatives, and 'a woman is anybody's daughter', i.e. comes from anywhere and has no pedigree.

As usual in patrilineal societies, all property and rights were vested in the men. So when a man married, his house belonged to him exclusively and not at all to his wife, neither priest nor law having bound him to endow her with his worldly goods. The Unwritten Law states further that 'a wife is a sack for carrying' things, i.e. she was in her husband's house to bear his children. It was also understood, however, that she must take an active part in the work of both the farm and the house. In consequence, the wife in a household containing only a married pair and their small children led a life of almost unrelieved hardship, all the relaxations and leisure going to the husband. Since the Unwritten Law forbade her to have any dealings with the outside world until she was old, she stayed at home to work while her husband went to market to shop and sell, visited government offices to discuss the payment—or non-payment—of his taxes, and arranged the future marriages of his children. Whether it was a kerchief, a daughter-in-law, or nothing at all that he bought for her, he never consulted her wishes and she might not murmur openly at his choice. Nor might she remonstrate with him if he idled when at home; any such criticism would only make him beat her. The Unwritten Law said that the husband was the head of the wife and might punish her for indiscipline as well as misconduct. There was plenty of secret grumbling of course. Thus a pretty young woman in Mat was heard to complain that her husband spent all the money he could find on coffee and cigarettes for himself and left her, after five years of marriage, 'without a rag to her back'. 'And it's for him I toil

a man willing to burn women and children to death and to harm property; in Shpat property was so sacrosanct that one must not touch even 'the leaf of the leek' belonging to one's enemy. 685
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[421]•

When the community decided to burn out a man whom they had sentenced to banishment for committing a heinous murder, their numbers and their power to exclude him completely from the tribal life made it impossible for him to resist. It was otherwise with the victim's kin. For want of power to exclude the murderer from more than their own section of tribal life they could not make him submit tamely, and in their attempts to use force they were often baffled by the fire-resisting principles on which most mountain houses were built. With the walls of stone, only the roof and the outer door were inflammable, and with no matches available these could only be set alight by blazing brands, probably of pitch pine, brought from another house. If the murderer was a rich man, he lived in a house surrounded by a courtyard wide enough to keep incendiaries at a safe distance from both roof and doorway; one or two towers in the walls of the courtyard sufficiently protected its gateway. If the murderer was poor, his house had no courtyard. But like the rich man's, it consisted of two or more storeys, the stable on the ground floor and the living-rooms above. The roof was, therefore, too high for the avenger to throw firebrands among the rafters. The door was surmounted by machicoulis through which the defenders could shoot or pour boiling water, and loopholes at the corners of the living-rooms commanded the approaches; in cases of bitter feud the door was sometimes covered outside with tin plates. Windows in a stable being thought unnecessary, the door was the only break in the solid walls of the ground floor. Sometimes avengers who were weak in guns hired men to fire the murderer's house. These hirelings came especially from Mirditë, for Mirdites were notoriously brave enough to face the risk entailed and poor enough to think only of the money offered; this amounted to some thirty napoleons (£40 in the 1930's) per man. 682
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[342]

When an avenger burned down the murderer's house in hot blood, his motive was to do the murderer as much damage as possible. When he burned it down in cold blood, his motive was to drive the murderer into the open to be shot at. A murderer not infrequently shut himself up in his house during the daytime and stirred outside only at night, so remaining beyond the avenger's reach. When his house was set on fire, he knew that if he remained

*562 woman was sometimes shot accidentally in a man's stead in spite of
 628 the tabu. In that unhappy event in Kurbin a woman in the
 672 murderer's family might be killed in return. If, too, a feud was
 784 unusually bitter, as was, for instance, the Kaloshi family one in
 Dibër, all barriers of law and disgrace were thrown down; 'kill at
 all costs' was the order of the day, and in its execution women and
 children were as likely as men to suffer.

This tabu on killing women had several sources. In the first
 place, a woman was 'a sack for carrying' things, i.e. she was the
 vehicle by which a family was carried on, and killing her might
 mean the loss of more than one man to her husband's family. Then
 she carried no arms, and therefore was classed with old men,
 children, and lunatics as safe from an avenger. Again, she was
 [421] always regarded as an article of property, belonging in her maiden
 days to her father and afterwards to her husband; her father had
 the right to her work till she married, and her husband afterwards;
 in token of this work her father sold her dear, and her husband
 bought her dear. Articles of property could not be damaged in
 the course of blood feuds. There was also the feeling that it was
 a disgrace for a 'strong' man to kill anything so inferior as a
 woman.

The tabu on killing women was so strong that when one
 * committed a murder, not she but one of the males in the family
 expiated the crime, if expiation were possible. Murders by women
 fell into two categories, the first outside and the second inside the
 family. In both cases the murderess might commit the crime on her
 own account or butt into a men's quarrel to avenge a murdered
 relative.

*628 One more class of expiator remains to be considered. It some-
 672 times happened that a man hired an outsider to kill his enemy. In
 [754] the Breg i Matit some held that such a man was a 'witch', and
 676 since witches could not have blood feuds, he must go scot-free and
 his hireling suffer, like any other murderer. In most places, if the
 instigator could not be discovered, or if time was passing without
 vengeance being taken on him, the hireling was killed. These
 practices were exceptional, and in general the feud was credited to
 the principal rather than to the subordinate who fired the fatal shot.

[554] Vanity as well as justice came into the question, for the instigator
 was usually a more important person than his instrument, and
 killing him brought the avenger more glory.